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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/600,216	06/19/2003	Tessema Dosho Shifferaw	A-72219 / ESW	5834
40461	7590	06/21/2005	EXAMINER	
EDWARD S. WRIGHT			HWANG, VICTOR KENNY	
1100 ALMA STREET, SUITE 207			ART UNIT	
MENLO PARK, CA 94025			PAPER NUMBER	

3764

DATE MAILED: 06/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/600,216	Applicant(s) SHIFFERAW, TESSEMA DOSHO	
	Examiner Victor K. Hwang	Art Unit 3764	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 April 2005.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 and 17-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-7, 19 and 20 is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-12, 17, 18, 21 and 22 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

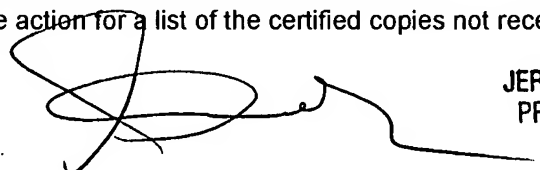
Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



JEROME W. DONNELLY
PRIMARY EXAMINER

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04/15/2005</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Allowable Subject Matter

1. The indicated allowability of claims 12, 17 and 18 is withdrawn in view of the newly discovered reference(s) to *Shields* (US Pat. 4,982,957) and *Jones* (US Pat. 5,066,004).

Rejections based on the newly cited reference(s) follow.

2. Claims 4-7, 19 and 20 are allowed.

3. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by *Shields* (US Pat. 4,982,957). *Shields* '957 discloses a weightlifting system comprising a pair of laterally spaced weight stands 10, an elongated bar 30 extending between the weight stands, a plurality of weight plates 39 disposed side-by-side in upright positions on each of the stands, the plates being formed in sections 39 and 50 or 61 which are hinged together at bolt 51 or 62 and adapted to be

selectively attached to the bar 30 by movement between open and closed positions (see Figs. 3 and 4), and means for holding the plates in their upright positions on the stands when the plates are detached from the bar (col. 5, lines 28-30). The system is configured for use in a bench press exercise (col. 4, lines 33-36).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 2, 3, 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Shields* (US Pat. 4,982,957) in view of *Yukon TK-400* (Caribou II Gym, Yukon Fitness Equipment 1994-95 catalog). *Shields* '957 has been discussed above, and such discussion is incorporated herein. *Shields* '957 discloses the invention as claimed except for a bench positioned beneath the bar for receiving a person using the system (claims 2 and 8); the bench movable between raised and lowered positions (claims 2 and 8); and the bench pivotally mounted for movement between a horizontal position and a downwardly inclined position (claim 9).

Yukon TK-400 discloses a weightlifting system comprising a barbell support apparatus and an adjustable bench. The backrest of the bench is adjustable to inclined, flat, and declined positions to permit a variety of exercises, including bench press exercises. A pivoted leg exercise attachment is also provided at an end of the bench for performing leg extension and leg curl exercises.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the weightlifting system of *Shields* '957 with the adjustable bench of *Yukon TK-400* positioned beneath the bar, since *Shields* '957 teaches that the weightlifting system is configured for use in a bench press exercise (col. 4, lines 33-36) and since *Yukon TK-400* teaches the use of the adjustable bench for bench press exercises.

8. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Shields* (US Pat. 4,982,957) in view of *Yukon TK-400* (Caribou II Gym, Yukon Fitness Equipment 1994-95 catalog) as applied to claim 9 above, and further in view of *Oswald et al.* (US Pat. 5,060,939). *Shields* '957 in view of *Yukon TK-400* discloses the invention as claimed except for the bench including a lifting arm which engages the underside of the bench in cam-like fashion and is affixed to a shaft for rotation between upright and retracted positions, and a handle operable by a person on the bench for turning the shaft to move the arm between the upright and retracted positions.

Oswald et al. discloses a multi-position exercise bench having an adjustment mechanism which does not rely on pins to fix various bench components (col. 1, lines 36-39). The bench includes a lifting arm 204 which engages the underside 314 of the bench in cam-like fashion and is affixed to a shaft 208 for rotation between upright and retracted positions, and a handle 216 operable by a person on the bench for turning the shaft to move the arm between the upright and retracted positions. Note how stud 222 and flange 318 operate in cam-like fashion, wherein the flange 318 is considered a part of the underside of the bench and the stud 222 forms a part of the

lifting arm. The stud 222 functions as a cam follower and the flange 318 functions as a cam.

“Cam-like fashion” can be broadly interpreted to mean many things.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the weightlifting system of *Shields* '957 as modified by *Yukon TK-400* with the bench adjusting mechanism of *Oswald et al.*, in order to provide an adjustable bench which does not rely on pins to fix the orientation of the bench components.

9. Claims 11 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Shields* (US Pat. 4,982,957) in view of *Yukon TK-400* (Caribou II Gym, Yukon Fitness Equipment 1994-95 catalog) as applied to claim 8 above, and further in view of *Jones* (US Pat. 5,066,004) and *Tracy* (US Pat. 4,971,318). *Shields* '957 in view of *Yukon TK-400* discloses the invention as claimed except for a pair of individually operable leg extension bars at one end of the bench, and a plurality of weight plates formed in sections that are hinged together for selective attachment to the leg extension bars.

Jones discloses a pair of individually operable leg extension bars 12,13 at one end of a bench and a plurality of weight plates 23 for selective attachment to the leg extension bars. The two independently pivotal levers enables the performance of either simultaneous or alternate exercise of both legs. This feature is particularly important in monitoring rehabilitation progress after an injury, especially a knee injury, where it is often necessary to compare the relative strengths of the legs (col. 2, lines 54-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the leg extension station at the end of the bench of *Shields* '957 as

modified by *Yukon TK-400* with a pair of individually operable leg extension bars, since *Jones* teaches that two independently pivotal levers enables the performance of either simultaneous or alternate exercise of both legs (col. 2, lines 54-60).

Shields '957 as modified by *Yukon TK-400* and *Jones* discloses the invention as claimed except for the plurality of weight plates formed in sections that are hinged together for selective attachment to the leg extension bars.

Tracy discloses weight plates 12 formed in sections 16, 18 which are hinged 32 together for selective attachment to the bar of an exercise device. The hinged weight is removable from the bar without being slid off (col. 1, lines 7-9) and is mounted by a motion transverse to the longitudinal axis of the bar (col. 3, lines 14-18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the leg extension bars of *Shields '957* as modified by *Yukon TK-400* and *Jones* with the hinged weights of *Tracy*, in order to permit the mounting and dismounting of the weight plates without being slid on/off the bar, but rather by a motion transverse to the longitudinal axis of the bar. This may be useful to remove a weight plate located proximally on the bars 24, 25 of the leg extension bars 12, 13 without removing distally located weight plates.

10. Claims 12, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Hettick, Jr.* (US Pat. 4,529,198) in view of *Shields* (US Pat. 4,822,034). *Hettick, Jr.* discloses a weightlifting system comprising a frame 18 having a pair of upright posts 19, an elongated bar 10 constrained for movement along the posts, a pair of weight stands 14 on opposite sides of the

frame near the posts, and a plurality of weight plates 12 on each of the stands adapted to be selectively attached to the bar without being removed from the stands.

Hettick, Jr. does not disclose a bench positioned between the posts and beneath the bar.

Shields'034 discloses a weightlifting system comprising a frame 28, a pair of weight stands 29 on opposite sides of the frame, a plurality of weight plates 68 on each of the stands adapted to be selectively attached to an elongated bar 81 without being removed from the weight stands. A bench 22 is positioned between the weight stands and beneath the bar for supporting a user in performing bench press exercises.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the weightlifting system of *Hettick, Jr.* with a bench beneath the bar and between the posts, since *Shields'034* discloses that a bench between two weight stands permits a user to perform bench press exercises.

11. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over *Yukon TK-400* (Caribou II Gym, Yukon Fitness Equipment 1994-95 catalog) in view of *Jones* (US Pat. 5,066,004). *Yukon TK-400* and *Jones* have been discussed above, and such discussion is incorporated herein. *Yukon TK-400* discloses a weightlifting system comprising a horizontally extending bar (either the barbell or the Smith bar), means supporting the bar at a predetermined rest height (the barbell supports or the Smith bar supports), a bench having a section pivotally mounted on a frame beneath the bar for movement between a horizontal position and a downwardly inclined position, a leg extension bar mounted on the frame at an end of the bench

away from the bar, and a plurality of weight plates resting on supports (the barbell, the Smith bar, the weight storage bar on the base, or the cable/pulley weight carriage).

Yukon TK-400 does not disclose the leg extension station as a pair of individually operable leg extension bars mounted on the frame.

Jones discloses a pair of individually operable leg extension bars 12,13 at one end of a bench and a plurality of weight plates 23 for selective attachment to the leg extension bars. The two independently pivotal levers enables the performance of either simultaneous or alternate exercise of both legs. This feature is particularly important in monitoring rehabilitation progress after an injury, especially a knee injury, where it is often necessary to compare the relative strengths of the legs (col. 2, lines 54-60).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to provide the frame of the bench of *Yukon TK-400* weightlifting system with a pair of individually operable leg extension bars, since *Jones* teaches that two independently pivotal levers enables the performance of either simultaneous or alternate exercise of both legs (col. 2, lines 54-60).

Response to Arguments

12. Applicant's arguments with respect to claims 1-3 and 8-11 have been considered but are moot in view of the new ground(s) of rejection. In response to Applicant's arguments that *Oswald et al.* does not show a lifting arm which engages the under side of the bench in cam-like fashion, Applicant should realize that the phrase "cam-like fashion" may encompass many

mechanisms that appear different than that disclosed in Applicant's specification. It is believed that the mechanism disclosed by *Oswald et al.* satisfies the limitation of cam-like fashion.

A lifting arm 204 engages the underside 314 of the bench in cam-like fashion and is affixed to a shaft 208 for rotation between upright and retracted positions, and a handle 216 is operable by a person on the bench for turning the shaft to move the arm between the upright and retracted positions. Note how stud 222 and flange 318 operate in cam-like fashion, wherein the flange 318 is considered a part of the underside of the bench and the stud 222 forms a part of the lifting arm. The stud 222 functions as a cam follower and the flange 318 functions as a cam.

Conclusion

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Fond (US Pat. D464,094 S) discloses a weight plate being formed in sections which are hinged together.

Chen (EP 1,498,158 A1) discloses a weightlifting system comprising a pair of weight stands supporting weight plates in an upright position when the weight plates are not secured to an elongated bar.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Victor K. Hwang whose telephone number is (571) 272-4976. The examiner can normally be reached Monday through Friday from 7:30 AM to 4:00 PM Eastern time.

The facsimile number for submitting papers directly to the examiner for informal correspondence is (571) 273-4976. The facsimile number for submitting all formal correspondence at this time is (703) 872-9306.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory L. Huson can be reached on (571) 272-4887.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Victor K. Hwang
June 16, 2005